GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Ease of Doing Business - Simplification of process for Tree-felling Permission under the provisions of relevant Acts and Rules - Instructions for Permission to fell Trees other than the Red Sanders, Sandal wood & Rose wood and in Scheduled Areas of the State- Orders - Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY DEPARTMENT

G.O.MS.No. 58 Dated: 08-06-2016

Read the following:

1. Secretary to Government, Industries & Commerce Department Letter dated 2.11.2015
2. Govt. memo No.8819/Section-II/2015, Dated. 5.5.2016
3. Secretary to Government & CIP, Industries & Commerce Department, D.O Letter No.5820/P&I/A1/16, dated.4.6.2016.
4. PCCF & HoFF Letter No. 12180/2015-FCA-4, Dt. 18-5-2016 & 7-6-2016

ORDER:

1. The Government of Andhra Pradesh has been taking a number of measures to promote rapid industrialization of the state with a view to accelerate economic growth coupled with employment generation. Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce and Industry, Government of India, has communicated a Reform Action Plan on Ease of Doing Business and informed that the States will be ranked based on the measures taken to operationalize the Reform Action Plan. One of the important reforms relates to the ease with which permission for felling of Trees is accorded while establishing new industry in order to facilitate "Ease of Doing Business" in Andhra Pradesh. The Reform Action Plan has identified thirteen (13) issues relating to tree-felling permission that relate to the Forest Department.

2. After careful consideration of all issues relating to felling of trees that are essential for the establishment of industrial units, which are situated in lands that are not notified as Forest and not situated within the Scheduled Areas, the Government hereby issues following instructions duly superseding all instructions issued earlier for regulating the management of tree-felling in non-forest lands in other than Scheduled Areas of Andhra Pradesh. These instructions, however, do not in any way affect the Statutory Acts, Rules and Regulations relating to the management of trees on non-forest lands, but are expected to provide clarity and uniformity and simplify the procedure for Tree-felling permission.

3. The Government reiterates that the statutory provisions relating to the following shall be as follows:

a) Procedure for working of tree growth in the patta lands situated in scheduled areas shall be in accordance with the Chapter III A of AP Forest Act 1967 and related rules, regulations and procedures shall be strictly followed. In all

such cases, the existing instructions shall be followed.

b) The procedure for working of trees in areas classified as "Forest" in Government Records shall be as follows:

*"As these lands are classified as "Forests" in Government records, the provisions of Forest (Conservation) Act, 1980 will be applicable in such cases. In such cases, prior permission of Government of India is essential for felling the trees and conversion of such forestland for any non-forestry purpose. Detailed Guidelines and procedure for submitting online application for seeking prior permission from Government of India under Forest (Conservation) Act, 1980 are available at Ministry of Environment, Forest &Climate Change (MoEF &CC, Govt. of India's website:**forestsclearance.nic.in.)***

4. The procedure for working of tree growth in all other types of lands, other than those mentioned at Paragraph-3 above and other than Red Sanders, Sandal Wood and Rose Wood Trees, as follows:

a) The detailed procedure covering all applicable steps from submission of application to approval of application online is published on Department's website (www.forests.ap.gov.in).

b) A comprehensive list of documents to be submitted as part of the application are mentioned on the website. (www.forests.ap.gov.in).

c) Clear timelines are notified on the web site. (www.forests.ap.gov.in).

d) The applicants/entrepreneurs shall be able to fill up and submit application in Form-13 online and pay all associated fees online. Applications are processed and approved by the Competent Authority online and the applicant will be able to track the status of the application online.

e) The Tree Felling Permission document can be viewed and downloaded online by any third party using the Certificate Number.

Procedure for grant of Tree-felling Permission

5. Person/Firm/Institution intending to fell trees existing in the patta/private land or Government assigned/leased land for the purpose of establishing new industry in the state of Andhra Pradesh shall submit Application online in FORM-13 along with details of trees proposed to be felled, duly accompanied with required documents and the prescribed fees and the security deposit essential for re-planting of the area as provided under Andhra Pradesh Water, Land & Trees Act 2002 (APWALTA). The details of trees to be felled along with the required documents, enclosures, and certificates will have to be uploaded with application form through the online portal. The applicant will be able to monitor the status of application online by using the user I.D. and password generated for each application.

6. An amount of Rs.50.00 (Rupees fifty only) per tree for urban residential and Institution areas, Rs.100.00 (Rupees Hundred only) per tree for commercial areas and Rs. 25.00 (Rupees Twenty Five only) per tree for rural areas shall be paid as inspection fee as prescribed under APWALTA/APWALTA Rules, as revised from time to time. The inspection fee shall be paid online through the Payment portal. A system-generated receipt will be made available to the applicant for the fee paid.

7. The applicant shall upload the list of trees proposed to be felled in FORM-A as Excel sheet embedded in Application Form. If the tree growth proposed to be felled is exempted under APWALTA/APWALTA Rules, no further permission for felling of such trees will be required. At present, trees belonging to Eucalyptus, Subabul and Casuarina species are exempted from tree felling permission under APWALTA/APWALTA Rules.

8. For trees other than Eucalyptus, Subabul and Casuarina, the details have to be furnished by the applicant in Form-13 as per the APWALTA/APWALTA Rules and enumeration list of trees to be felled has to be uploaded in FORM-A. For tree species not exempted under WALTA, prior felling permission from Divisional Forest Officer (DFO) will be required. If such trees are felled without prior permission, the same will be an offence under the WALTA Act and the offender will be liable for punishment under the provisions of APWALTA Act/Rules and Andhra Pradesh (Forest Produce) Transit Rules 1970/Andhra Pradesh Forest Act, 1967.

9. The Applicant will be required to upload the "Certificate of Ownership of Premises and Trees" proposed to be felled as obtained from the concerned Tahsildar in FORM-B required under Rule 5(3) of A.P. Forest Produce (Transit) Rules, 1970, while applying for the tree- felling permission.

10. On receipt of details furnished along with the Application Form online, the Divisional Forest Officer (DFO) concerned will verify the completeness of online application submitted in Form-13 along with Enumeration List of trees to be felled in FORM-A and Certificate of Ownership of Premises and Trees in FORM-B. DFO will also verify the online payment made by the applicant and will forward the application online to the Forest Range Officer concerned within (3) days of receipt of application incomplete shape.

11. If any deficiency is noticed, the same shall be informed to the applicant through e-mail within (3) days. Simultaneously, SMS alert will also be sent to the applicant on the registered mobile number. The applicant also can verify the status of his application online on the portal www.frests.ap.gov.in.

12. The List of documents to be uploaded by the Applicant include the following:

i. Form A: Enumeration list of trees to be felled
ii. Surveyed Sketch of land
iii. Location Map of the land
iv. FORM-B: Certificate of Ownership of Premises and Trees" issued by Tahsildar.

v. Authorization letter for the Applicant in case of Industry

Categorisation of Trees Sought for Felling

13. The Trees sought to be given felling permission are classified based on Risk factor for inspection by the field officers as follows:-

High Risk Trees	**:**	Species of Teak,Yegisa,NallaMaddi, and Bandaru.
Medium Risk Trees		All Trees other than included in High and Low risk categories
Low Risk Trees		1. Citrus species (Orange & related species) 2. Borassus flabellifera(Tati, Tadi, Palmyrah) 3. Psidium guava (Jama, Guava) 4. Prosopis juliflora (Seemathumma) 5. Achras sapota (Sapota) 6. Cocosnucifera (Coconut, Kobbari, Tenkai) 7. Anacardium occidentale (Cashew, Jeedimamidi) 8. Azadirachta indica (Neem, Vepa) 9. Acacia nilotica (Nallatumma) 10. Syzigium cuminii (Neredu, Jamun_ 11. Ficus species (Marri, Ravi & related species) 12. Pithecolobium dulce(SeemaChinta) 13. Zizyphus jujuba (Regu, Ber) 14. Samania saman (Rain Tree, Nidraganneru) 15. Mangifera indica(Mango, Mamidi) 16. Artocarpus integrifolia (Panasa)

14. The applicant can Self-Certify if the Trees to be felled are categorized as Low Risk by generating a Felling-Permission online in case the following conditions are fulfilled:

> *"Felling permission certificate will be generated by the system only after the applicant deposits online the required felling permission fee and the Security Deposit equivalent to twice the number of trees permitted to be felled at the rate of Rs.400 (Rupees Four Hundred) per tree to be planted. The applicant shall be bound to take up replanting as mentioned at Paragraphs-20and 21 below and if he fails to take up replanting, the Divisional Forest Officer shall take up replanting by utilizing the security deposit."*

15. Upon receipt of the Application online from the D.F.O., the Forest Range Officer (FRO) having the jurisdiction shall personally verify the location and extent of Patta land/private land/Government assigned land/Government

allocated land, tree growth, distance of the location from the nearest Reserve Forest etc. The Forest Range Officer shall get 100% enumeration of trees proposed to be felled recorded in a Register to be maintained for this purpose with the assistance of the concerned Forest Section Officer (FSO). The Forest Range Officer will adhere to the inspection schedule in his jurisdiction as allocated by the computer.

16. The Forest Range Officer will test check 25% of the trees listed as High Risk category and 10% of the trees listed as Medium category in the Enumeration List as randomized by the Computer if the area is two hectares and below and/or the number of trees sought to be felled are 100 or below High Risk Category trees. However, if the proposed area is more than 2 hectares or number of trees of High Risk category sought to be felled are more than 100, the Sub-Divisional Forest Officer/Divisional Forest Officer will also carry out the test check of 10% of both High Risk and Medium categories of trees in the Enumeration List, in addition to t h e check done by the Forest Range Officer.

17. The list of trees to be inspected at various levels will be randomly generated by the Computer based on the criteria above. The Inspecting Officers shall complete the inspections within twelve (12) days of receipt of the Application online from the Divisional Forest Officer including the inspection by the Sub DFO/DFO in related cases.

18. After verification/test check of the Enumeration List, the Forest Range Officer will upload the Inspection Report after filling relevant columns along with estimated yield of Forest Produce (timber and Fire/faggot/root wood) species wise, including Bamboo, if any, to the Divisional Forest Officer in FORM-C. This shall be completed and uploaded online within (48) hours of inspection by the FRO.

19. All the works such as marking, enumeration, extraction, stacking etc., shall be carried out by the applicant and the expenses for such works shall be borne by the applicant himself.

20. As per the provisions of APWALTA Act/Rules, applicant shall have to plant double the number of trees felled of the same species or suitable species within one year from the date of felling. The trees may be planted in the same site where the trees are permitted to be felled existed or any other suitable place close by. In case he fails to plant and raise the required number of plants, the Divisional Forest Officer will arrange for raising the required number of plants and the cost of which shall be borne by the applicant and shall be met out of the security deposit amount deposited by the applicant.

21. In order to comply with the above provisions under law, the Divisional Forest Officer will estimate and obtain a non interest bearing Security Deposit towards cost of raising required number of plants from the Applicant. On receipt of Demand Notice from the Divisional Forest Officer as included in the Felling Permission Proceedings, the Applicant shall submit Security Deposit online. The

Security Deposit furnished by the applicant will be refunded on raising the required number of plants and maintaining them for a minimum period of (3) years by the Applicant. In case of failure to raise required number of plants by the applicant, the Security Deposit will not be refunded and the Divisional Forest Officer shall arrange to plant the required number of plants from the Security Deposit available with him and inform the applicant accordingly. For this purpose, the Principal Chief Conservator of Forests (HoFF) will prescribe the Unit rate per tree to be collected for raising and maintenance as required under APWALTA. The cost of protection for the plants to be raised will also be included in the cost of raising and maintenance of plantation, if the site is not well protected against biotic interference. For the year 2016-17, the security deposit shall be collected @ Rs 400/- per tree, which can be revised every year.

22. On receipt of Inspection Report of tree enumeration list online in FORM-C from the Forest Range Officer, the Divisional Forest Officer will accord Tree Felling Permission duly including the amount of security deposit for raising plants double the number of trees permitted to be felled within (3) days of receipt of the inspection report in FORM-D. The applicant shall take-up felling of tree growth only after receipt of the permission from the competent authority and online payment of security deposit.

23. The Divisional Forest Officer/Designated officer may not refuse the tree felling permission, if the tree:

- ✓ is dead, deceased or wind fallen;
- ✓ is silviculturally matured;
- ✓ constitutes a danger to life or property;
- ✓ substantially damaged or destroyed by fire, lightning, rain or other natural causes.

24. If the Divisional Forest Officer fails to accord tree felling permission within the stipulated time, a system generated alert will be sent to the Conservator of Forests and Principal Chief Conservator of Forests (HoFF) through SMS and e-mail for taking action at their level.

25. If the Divisional Forest Officer rejects the application for felling the trees duly recording the reasons for such a rejection, the applicant can file an appeal to the Conservator of Forests having jurisdiction over the area through online application within a period of fifteen (15) days from the date of receipt of the order by the applicant and the Conservator of Forests shall after giving reasonable opportunity of being heard may pass such orders as he / she may deem fit.

26. Any person aggrieved by any order made by the Conservator of Forests may appeal to the Principal Chief Conservator of Forests within a period of (15) days from the date of receipt of the order of the Conservator of Forests by the applicant and the Principal Chief Conservator of Forests after giving reasonable opportunity of being heard may pass such order as he may deem fit which shall be final and binding.

27. After obtaining permission for felling tree growth from the competent authority, the applicant will take up tree felling and submit application to the Divisional Forest Officer having the jurisdiction for issue of Transit Permits under A.P (Forest Produce) Transit Rules.

28. For issuing Transit Permits, the Forest Range Officer / Divisional Forest Officer concerned shall follow the provisions under A.P. (Forest Produce) Transit Rules and the instructions / Circulars issued by the Principal Chief Conservator of Forests from time to time.

29. All tree felling permissions along with the Inspection Reports shall be posted on the website of the Department which can be downloaded by the applicant for their applications. Certificates shall be available in public domain for viewing by the 3rd party.

30. All the Divisional Forest Officers are requested to follow the above instructions and ensure that tree felling permission is granted within the stipulated time as per the flow chart enclosed. The necessary formats, certificates, and flow charts are enclosed as Annexures to the G.O.

31. The Principal Chief Conservator of Forests & Head of Forest Force, Andhra Pradesh is requested to take further follow up action to ensure implementation of orders issued herein.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR P. V. RAMESH
PRINCIPAL SECRETARY TO THE GOVERNMENT

To
The Principal Chief Conservator of Forests & Head of Forest Force, Andhra Pradesh,

Copy to

1. The Secretary, Industries & Commerce (IP) Department
2. The Director of Industries and Commerce Department
3. All District Collectors
4. All Conservators of Forests in the State
5. The Managing Director of AP Forest Development Corporation
6. Member-Secretary, Pollution Control Board
7. The Chief Secretary to Government
8. The Members of SIPC / SIPB
9. The Principal Secretary to the Chief Minister
10. P. S to Minister (FES&T and Co-operation)

// FORWARDED BY ORDER//

SECTION OFFICER